**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD**

## HON'BLE Mr. JUSTICE R. SUBHASH REDDY

**Writ Petition No.13120 of 2006**

**Dated: July 4, 2006**

**Between:**

I. Ravi Kumar Reddy, S/o. Bali Reddy,
Hindu, aged about 30 years, Occ: Business,
R/o. Suddapalli Village, Peddamudium Mandal,
Kadapa District.

… Petitioner

And

The Divisional Forest Officer, Proddatur,
Kadapa District, and another.

… Respondents

## Order:

This writ petition has been filed seeking a Writ of Mandamus to declare the action of the first respondent in not releasing the petitioner's vehicle as illegal and arbitrary and a consequential direction to the respondents is sought to release the vehicle of the petitioner.

2. Heard the learned counsel for the petitioner and the learned

Government Pleader for Forests appearing on behalf of the respondents.

3. The case of the petitioner, claiming to be the owner of a Tata Sumo bearing No.AP.04.U.8017, is that he has put his vehicle in a taxi stand at Proddatur, for hire. It is stated that on 16-05-2000, his vehicle was seized by the forest authorities, alleging that the driver and the cleaner of the vehicle were illegally transporting logs of red sanders wood. Thereafter, the said vehicle was seized and the same is in the custody of the first respondent. It is the case of the petitioner that he is no way connected with the alleged offence and he does not have any knowledge about the same. The grievance of the petitioner is that though he approached the first respondent seeking release of his vehicle, the same is not being considered. Hence, he has come up with the present writ petition.

4. On instructions, learned Government Pleader submits that pursuant to seizure of the vehicle, proceedings have been initiated by issuing a show cause notice dated 20-06-2006, under Section 44 (2) of the Andhra Pradesh Forest Act, 1967 ('the Act' for brevity). It is stated that the seizure of the vehicle was effected as the said vehicle was used for transporting red sanders wood, in violation of the provisions of the Act and the rules made thereunder.

5. A perusal of the remand report filed along with the material papers would disclose that the vehicle of the petitioner was used for illegally transporting logs of red sanders wood and the driver and cleaner of the said vehicle were charged for various offences under the Act and also under the Indian Penal Code. Though learned counsel for the petitioner contends that the petitioner is no way connected with the said offences and he does not have any knowledge, the same is a

matter, which cannot be gone into by this Court and in view of the allegations levelled, I am not inclined to order release of the vehicle at this stage.

6. As much as proceedings have already been initiated by issuing a show cause notice, I deem it appropriate to dispose of the writ petition directing the respondents to conclude the proceedings initiated against the petitioner under Section 44(2) of the Act, as expeditiously as possible, preferably within a period of two months from today. The petitioner shall submit his explanation to the show cause notice issued by the respondents, if he has not done so.

7. The writ petition is disposed of with the above observations. No order as to costs.

**JUSTICE R. SUBHASH REDDY.**

July 4, 2006
**Note: Furnish copy in three days**
**B/o**
**MRR**